

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – March 26, 2012

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Gary Westerman, DDS, at 1:00 PM on March 26, 2012 in Conference Room 1-Z of the State Office Building in Lincoln. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Edward Discoe, MD; Ted Evans, DVM; Russell Hopp, DO; Diane Jackson, APRN; Dale Michels, MD; Roger Reamer, MBA; Rich Robinson, PE; Luisa Rounds, RN; Paul Salansky, OD; Wayne Stuberger, PhD, PT; John Tennity, DPM; Gary Westerman, DDS; and Daryl Wills, DC. Quorum met. Members not in attendance: Daniel Bizzell, EdD; Janet Coleman; Ken Kester, Pharm D, JD; Debra Parsow.

Staff attending: Ron Briel, Monica Gissler, David Montgomery, Anne Owens, Kay Pinkley

APPROVAL OF AGENDA. Dr. Westerman asked if there were any changes to the agenda for the meeting today. There being no objections, the agenda was approved by consent calendar.

APPROVAL OF MINUTES. Dr. Westerman asked if there were any changes to the minutes from the January 23, 2012 meeting. Dr. Michels presented some grammatical corrections. There being no objections, the minutes were approved by roll call vote as amended.

CHAIRPERSON'S REPORT. Dr. Westerman reported on the following:

1. Has anyone attended any professional board meetings that they would like to report on?

Dr. Bizzell attended the March 2nd Board of Mental Health Practice meeting.

Dr. Kester attended the March 12th Board of Pharmacy meeting.

Dr. Salansky attended the Board of Athletic Trainers and Board of Optometry meetings.

All comments on all professional board meetings were favorable.

There is a current 2012 Professional Board Meeting Schedule on the handout table. It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made.

2. We welcome Rich Robinson back today, after recuperation from his surgery.

3. Thomas Pristow of Mineral, VA, has accepted the appointment as Director of the Children and Family Services Division in DHHS. He started his job on March 21st.
4. We still have no out-of-Lincoln meeting planned for September. We will discuss this under New Business later this afternoon.
5. Accountability and Disclosure Statements are due by April 2nd.

Dr. Michels made a motion to receive the reports under agenda item #6. All in favor by voice vote.

CHIEF MEDICAL OFFICER'S REPORT. Dr. Acierno reported.

Dr. Hopp asked if there has been a replacement to Dr. Garvin's position upon her retirement (Medicaid Medical Director); the position has been filled by Dr. Alan Nissen, retired ENT.

Immunization Gateway

Currently, the Immunization Program is working with the Nebraska Health Information Initiative (NEHII) on a "gateway" project to make immunization data more readily available to providers participating in NEHII. NEHII is leading the effort to create a secure, online, web-based health information exchange for Nebraska.

The goal for the gateway project is the exchange of immunization data from NEHII for use in the Nebraska State Immunization Information System (NESIIS). Testing on this second phase is about to begin. The result of the gateway project will be that providers using the NESIIS registry will have more immunization information available to them in order to provide the best care possible to their patients.

17 hospitals in the state are participating in NEHII, with applications from other hospitals pending. The network includes several hundred physicians and a few pharmacies, as well.

Incorporating NESIIS data with NEHII data will mean fewer missed opportunities for immunizations and the reduction of over-immunization. It will mean improved delivery of health care information and reduced health care costs.

Communities Putting Prevention to Work Project

Some of the stimulus grant that we received is being used to conduct a survey for the Douglas County Health Department's Communities Putting Prevention to Work project.

This project is a locally driven initiative supporting 50 communities in the U.S. to tackle chronic diseases caused by obesity and tobacco use—the two leading preventable causes of death and

disability in the United States.

The Nebraska Behavioral Risk Factor Surveillance System started working with the Douglas County Health Department on the project in July of 2010. We designed the questionnaire using a CDC questionnaire and the county added 31 questions. We started collecting data for the project in the middle of September 2010. By the end of April 2011, the pre-survey was completed. The post-survey will start in August 2012.

The CDC will support the project with evidence-based community approaches to chronic disease prevention and control to achieve the following outcomes:

- Increased levels of physical activity;
- Improved nutrition;
- Decreased overweight/obesity prevalence;
- Decreased tobacco use; and
- Decreased exposure to second-hand smoke.

This project will help Douglas County evaluate its population and determine what measures it needs to take to develop a culture of wellness.

Nebraska Physical Activity and Nutrition Plan

Working to improve healthy eating and physical activity are among Dr. Schaefer's top priorities for public health. Recently a revised version of the *Nebraska Physical Activity & Nutrition State Plan* was released. The purpose of the State Plan is to improve health by coming together on key strategies and activities for healthy eating, active living and breastfeeding that can decrease obesity and related chronic disease prevalence.

Dr. Schaefer wants to create a culture of wellness to make it easier for Nebraskans to reach and maintain a healthy weight. More supportive environments that increase access to healthy affordable foods, safe places to be physically active, and encourage more moms to start and continue breastfeeding are essential to turning around the epidemic of obesity.

The State Plan gives us a great opportunity to come together and focus on policy and environmental changes at the state and local level. Schools, child care facilities, worksites, healthcare, and communities are called to action to implement the State Plan strategies so that the healthy choice is the default behavior.

By visiting this website (www.partnersnhealth.org), Nebraskans looking for new ways to promote and support healthy eating, active living or breastfeeding can easily create their own local "customized action plans" to bring about change in their communities, worksites, schools, child cares and health care settings in order to reduce the rates of and costs associated with obesity.

The result of these localized action plans can be the creation of a culture of wellness to help more Nebraskans live healthier, longer lives.

LEGISLATIVE UPDATE. Bryson Bartels presented on the DHHS legislative priorities and bills they are tracking. Tomorrow is Day 50 and this session is scheduled to end on April 12th. If they are not in hearing status now, bills will probably not be heard this year. There was a handout with the status of bills that DHHS is tracking. Of particular interest, LB 723 – cleanup/water drinking act – was approved by the Governor. LB 734 – Radiological cleanup – was approved by the Governor. LB 1051 is on select file and consent calendar. LB 834 regarding the Credentialing Review program is on select file, and due for a hearing tomorrow.

COMMITTEE REPORTS.

Credentialing Review (407) Committee – Dr. Stuberg presented.

There was a brief discussion on LB 834, which was just discussed in the Legislative Update.

Update on Technical Review for Music Therapists. The first meeting is on April 12. Debra Parsow will serve as Chair.

There was an orientation session for proposed members of the new Credentialing Review Professional Pool. The following members were accepted:

Dr. Jeffrey Baldwin, Pharm. D, RP (Pharmacy)
Linda Black, BSRT (Medical Radiography)
Dr. Allison Dering-Anderson, Pharm. D, RP (Pharmacy)
Charlyn Shickell, PhD (LIMHP)

Dr. Michels made a motion to receive this committee's report, all in favor by voice vote.

Rules and Regulations Committee – Mr. Robinson reported.
Regulations for approval by the Board of Health:

- 172 NAC 17, Athletic Trainer Licensure (staff: Rene' Tiedt). This was a rewrite to reflect the provisions of the Uniform Credentialing Act (UCA). They also incorporate LB 403 (2009) requiring lawful presence in the United States to qualify for public benefits including professional or commercial licensing, and LB 225 (2011), which refined the UCA regarding lawful presence. A public hearing was held on January 16, 2012, and the Board of Athletic Training met on March 5, 2012 to review comments and made minor changes to the definitions for graduate student and supervision. Mr. Robinson made a Committee motion to approve these regulations. Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson,

Michels, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries.

- 172 NAC 114, Occupational Therapist Licensure (staff: Rene' Tiedt). This was a rewrite to reflect the provisions of the Uniform Credentialing Act (UCA). They also incorporate LB 403 (2009) requiring lawful presence in the United States to qualify for public benefits including professional or commercial licensing, and LB 225 (2011), which refined the UCA regarding lawful presence. A public hearing was held on January 16, 2012, and the Board of Occupational Therapy met on March 1, 2012 to review comments and approved the regulations without change. Mr. Robinson made a Committee motion to approve these regulations. Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson, Michels, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries.
- 172 NAC 11-13, Out-of-Hospital Emergency Care Provider Licensure, Emergency Medical Services Licensure, and EMS Training Agencies (staff: Rene' Tiedt). These regulations were the subject of a public hearing on October 27, 2011. On December 12, 2011 the Board of Emergency Medical Services (EMS) reviewed the comments. On January 23, 2012 the Board of Health approved the regulations. During preparation of the final approved copies, it was noted that implementation dates for license renewals had passed. To clarify how and when DHHS will implement the biennial renewal of EMS licensed, the language shown in these draft regulations has been added. On March 9, 2012, the EMS Board approved this change. Mr. Robinson made a Committee motion to approve these regulations. Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson, Michels, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries.
- 172 NAC 137, Licensure of Physical Therapy and Certification and Supervision of Physical Therapy Assistants. There was a memorandum from Rene' Tiedt that dated March 23, 2012 that was distributed and discussed. On March 2, 2012 the Attorney General issued an opinion regarding the definition of normal range of motion that was included. On March 22, 2012 the Board of Physical Therapy met and voted to remove this definition from the list of definitions in these regulations. Part of the reason related to similar references in the existing regulations which are part of state statutes that cannot be removed at this time. Mr. Robinson made a Committee motion to approve these regulations. Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson, Michels, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries.
Dr. Stuberg wanted it noted for the record his level of disappointment with the actions by Attorney General's Office. The Board of Health listened to the discussions regarding the Chiropractic regulations and the Physical Therapy regulations, and decided to move forward with them both. The AG's office does not have the expertise to make the judgment with regard to the practice of medicine, as they did. In his opinion that was not an appropriate activity. He wishes in retrospect that the regulations could have been sent forward with the provision that they both go forward or they both be returned. Dr. Wills added that he spoke

against this at the Committee meeting this morning, because the Attorney General Opinion did not go far enough. That is why he voted in favor of this now – to remove the definition in the PT regulations. The AG letter states that this matter will need to be resolved legislatively or through a credentialing review, or through both.

The following regulations were reviewed with no vote required:

- 180 NAC 1-4, 7, 10, 13, 15, & 21; Control of Radiation (staff: Julia Schmitt). These regulations govern the use of sources of radiation in Nebraska. Many changes were required to meet compatibility provisions under the Agreement State Status with the U.S. Nuclear Regulatory Commission (NRC) to keep current. The citizenship language similar to other sets of regulations presented today was also added.
- 179 NAC 2-002, 3-5, 8, 12-14, & 16, Public Water Systems (staff: Jack Daniel). The Department must adopt a regulation at least as stringent as the federal Ground Water Rule in order to maintain primacy with the United State Environmental Protection Agency. That was the purpose of amending these regulations.

There was an updated status report of the UCA regulations shared. Mr. Robinson made a motion to receive the review of these regulations and this Committee report, with a second by Ms. Jackson, and all were in favor by voice vote.

Professional Boards Committee. Dr. Tennity, Committee Chair, reported.

They interview six applicants to serve on the Board of Alcohol and Drug Counseling, and are making the following recommendations for appointment:

Reappoint Alfredo Ramirez, LCSW, LADC of Norfolk for the term April 2, 2012 through November 30, 2017.

Appoint Christine Chasek, LADC, LIMHP, ABD of Hildreth for the term April 2, 2012 through November 30, 2017.

Dr. Tennity made a committee motion to approve these appointments. Voting yes to approve all proposed appointments: Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson, Michels, Reamer, Robinson, Rounds, Salansky, Stuberger, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries.

Interviews for the Center for Nursing will be conducted in June.

Mr. Reamer made a motion to receive this Committee report; all in favor by voice vote.

Public Health, Education and Legislation Committee: Dr. Hopp, Committee Chair, reported.

The Committee reviewed their priority bills for this session. LB 831 on Genetic Counseling was signed by the Governor and we had supported it. LB 721 Certified Nurse Midwifery is still in Committee, and we sent a letter recommending they refer to the 407 report.

Public Health Recognition for Ted E Bear Hollow, submitted by Monica Gissler on behalf of the PHEL Committee.

Ted E. Bear Hollow is a nonprofit organization that provides day camps, support groups and other services for grieving children, teens and their families. Founded in 2001, the center has helped more than 5,000 metro-area families by giving them support, understanding and the skills to communicate and cope after the death of a loved one.

Their work is paid for by members and contributors, and families are never charged. The staff and volunteers at Ted E. Bear Hollow are a community resource. They offer information and training to groups and organizations that are dealing with child grief, or would like to know more about the subject. Their website is <http://www.tedebearhollow.org/index.php>.

Dr. Hopp made a committee motion to approve this recognition. Voting yes: Roll call vote: Voting yes: 13 (Discoe, Evans, Hopp, Jackson, Michels, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman; Wills); voting no: 0; not voting: 0. Motion carries. Dr. Stuberg has an affiliation with them, and will present the certificate.

Mr. Reamer made a motion to receive this Committee report; all in favor by voice vote.

UNFINISHED BUSINESS. None.

NEW BUSINESS.

Ms. Jackson offered to check with Phelps Memorial in Holdrege. They have recently completed a renovation project, and may want to show it off.

PUBLIC COMMENTS. None.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be June 18, 2012 at the State Office Building in Lincoln.

ADJOURN. There being no further business, the meeting adjourned at 1:45 PM. Minutes taken by Anne Owens and Monica Gissler. This draft has not yet been reviewed by Board members.

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